

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHARLES L. WARNER, et al.,)
vs.)
Plaintiffs,)
vs.) Case No. CIV-14-665-F
KEVIN J. GROSS, et al.,)
Defendants.)

**ERIC PFEIFER, M.D., OKLAHOMA OFFICE OF THE CHIEF MEDICAL
EXAMINER'S UNOPPOSED MOTION FOR AUTHORIZATION TO
RELEASE RECORDS WITH BRIEF IN SUPPORT**

Eric Pfeifer, M.D. and the Oklahoma Office of the Chief Medical Examiner (“OCME”) respectfully request that this Court issue an Order authorizing OCME to release and deliver to Patti Palmer Ghezzi, Federal Public Defender’s Office, 215 Dean A. McGee Avenue, Ste. 707, Oklahoma City, OK 73102 all documents in the Medical Examiner Case File concerning the death of Clayton Lockett collected following his death on April 29, 2014 in McAlester, Oklahoma. Ms. Ghezzi has previously issued a subpoena duces tecum for these documents.

A court order for the release of these records is required by Okla. Stat. Ann. tit. 63, § 939 which provides as follows:

Except as otherwise provided by law, the Chief Medical Examiner shall produce records, documents, evidence or other material of any nature **only upon the order of a court of competent jurisdiction**. An interested party or litigant in a civil or criminal action may make application for an order to

produce such materials. The court, after notice to all parties, including the Chief Medical Examiner, and a hearing on the application, may, upon the showing of good cause, direct the release of a copy or any part of such material. In addition, the court may also direct the payment of reasonable costs by the requesting party for the production of the material. The production of such material shall take place at the Office of the Chief Medical Examiner unless, upon a showing of good cause, specifically ordered otherwise by the court. (Emphasis supplied).

The documents for which release authorization is requested consist of all documents in the Medical Examiner Case File concerning the death of Clayton Lockett collected following his death on April 29, 2014 in McAlester, Oklahoma except those portions of the documents which may reveal the identity of persons, businesses, or other entities who participated or administered the execution process and are therefore confidential under Okla. Stat. Ann. tit. 22, § 2015(B). Counsel for Plaintiffs and OCME have agreed that the identity of such persons, businesses, or other entities will be redacted from documents released. Movants also request that the Motion of Plaintiff s for Holding of Contempt and Other Relief (doc. No. 66) be denied as moot without prejudice to filing a motion to compel. Opposing counsel does not object to this motion.

WHEREFORE, Eric Pfeifer, M.D. and the Oklahoma Office of the Chief Medical Examiner request that this Court enter an order under Okla. Stat. Ann. tit. 63, § 939 authorizing the Office of the Chief Medical Examiner to release and deliver to Patti Palmer Ghezzi, Federal Public Defender's Office, 215 Dean A. McGee Avenue, Ste. 707, Oklahoma City, OK 73102 all documents in the Medical Examiner Case File concerning the death of

Clayton Lockett and allowing OCME to redact the identity of persons, businesses, or entities who participated or administered the execution process.

Respectfully Submitted,

/s/ Devan Pederson
Devan Pederson, OBA #16576
Tiffany J. Wythe, OBA #21405
Oklahoma Attorney General's Office
313 NE 21st Street
Oklahoma City, OK 73105
Telephone: (405) 521-3921
Facsimile: (405) 521-4518
Email: devan.pederson@oag.ok.gov
*Attorney for Non-Party Eric Pfeifer, M.D.
and Office of the Chief Medical Examiner*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 2014, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Patti Palmer Ghezzi
Randy A. Bauman
Federal Public Defender
215 Dean A. McGee Ave., Ste. 109
Oklahoma City, OK 73102
Email: patti_ghezzie@fd.org
Email: randy_bauman@fd.org
Attorneys for Plaintiffs, Cole, Cueste-Rodriguez, Davis, Fairchild, Grant, Grissom, Harmon, Johnson, Littlejohn, Pavatt, Simpson and Underwood

Mark Henricksen
Henricksen & Henricksen,
Lawyers, Inc.

Seth A. Day
Susanna M. Gattoni
Hall Estill Hardwick Gable
Golden & Nelson, P.C.
100 N. Broadway, Ste. 2900
Oklahoma City, OK 73012
Email: sday@hallestill.com
Email: sgattoni@hallestill.com
Attorneys for Plaintiffs Warner and Coddington

David B. Autry
1021 NW 16th Street
Oklahoma City, OK 73106

600 N. Walker Ave., Ste. 200
Oklahoma City, OK 73102
Email: mark@henricksenlaw.com
*Attorney for Plaintiffs Andrew,
Glossip and Jackson*

Mark H. Barrett
111 N. Peters Ave., Ste. 200
Norman, OK 73069
Email: barrettlawoffice@gmail.com
Attorney for Plaintiff Jones

Gary Peterson
211 N. Robinson Ave., Ste. 450 South
Two Leadership Square
Oklahoma City, OK 73102
Email: gp@garypeterson.com
Attorney for Plaintiff Warner

John D. Hadden
Jeb Joseph
Aaron J. Stewart
Assistant Attorneys General
Litigation Unit
Office of Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
Email: john.hadden@oag.ok.gov
Email: jeb.joseph@oag.ok.gov
Email: aaron.stewart@oag.ok.gov
*Attorneys for Defendants Burrage,
Gross, Haynes, Henke, Neal, Patton,
Roach and Trammell*

Email: dbautry44@hotmail.com
Attorney for Plaintiff Hancock

Fred L. Staggs
510 NW 17th St.
Oklahoma City, OK 73013
Email: staggslaw@aol.com
Attorney for Plaintiff Mitchell

Dale A. Baich
Kelly Culshaw
Robin C. Konrad
Federal Public Defender
850 W. Adams St., Ste. 201
Phoenix, AZ 85007
Email: dale_baich@fd.org
Email: kelly_culshaw@fd.org
Email: robin_konrad@fd.org
Attorney for Plaintiff Wood

/s/ Devan Pederson